

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

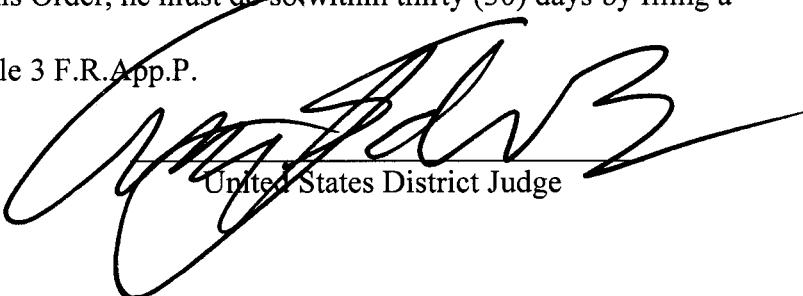
HENRY CULVER, )  
Petitioner, )  
 )  
v. ) Civil Action No. 05-215  
 )  
FREDERIC ROSEMEYER, et al., )  
Respondents. )

O R D E R

AND NOW, this 29<sup>th</sup> day of *August* 2005, after a petition for a writ of habeas corpus was filed by the petitioner, Henry Culver, and after the Report and Recommendation of the United States Magistrate Judge was issued, and the parties were granted ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the Magistrate Judge, which is adopted and incorporated as the opinion of this Court,

IT IS ORDERED that the petition of Henry Culver for a writ of habeas corpus is dismissed, and that a certificate of appealability is denied for lack of a viable federal habeas corpus issue.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., if the petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided by Rule 3 F.R.App.P.

  
United States District Judge

cc: Henry Culver  
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Honorable Robert C. Mitchell  
United States Magistrate Judge